

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2151 of 2016

Date of Decision: 3.2.2016

M/s Jai Bajrangbali Tubes P. Ltd., Sangrur

....Petitioner.

Versus

State of Punjab and others

...Respondents.

1. Whether the Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE RAJ RAHUL GARG.**

PRESENT: Mr. Avneesh Jhingan, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of Mandamus directing respondent No.3 to grant the Registration Certificate to it.

2. The petitioner has started trading of cement, hardware and building material at Chullar Kalan and moved an application dated 15.7.2015 along with the required documents to respondent No.2 for grant of Registration Certificate. Inspection of the business premises was conducted by the local staff. When nothing was done in the matter, the petitioner sent a reminder dated 3.8.2015 (Annexure P-1) to respondent No.2. A notice dated 11.8.2015 was received from the Excise and Taxation Officer, Sangrur raising the objections regarding the size of the business premises and that the surety has withdrawn his surety. The petitioner submitted the reply dated 19.8.2015 (Annexure P-3) to the said notice. Respondent No.2 vide order dated 24.8.2015

(Annexure P-4) rejected the application of the petitioner. The petitioner assailed the order, Annexure P-4, before the Deputy Excise and Taxation Commissioner who vide order dated 23.10.2015 (Annexure P-5) remanded the matter to respondent No.2 for deciding the issue afresh. Thereafter, the petitioner submitted two bank guarantees of ₹ 50,000/- each vide covering letter dated 29.12.2015 (Annexure P-6). However, nothing was done. The petitioner sent a reminder dated 9.1.2016 (Annexure P-7) to respondent No.2, but to no effect. Thereafter, the petitioner submitted a reply dated 19.1.2016 (Annexure P-8), but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a letter dated 29.12.2015 (Annexure P-6) followed by a reminder dated 9.1.2016 (Annexure P-7) and the reply dated 19.1.2016 (Annexure P-8) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.3 to take a decision on the letter dated 29.12.2015 (Annexure P-6) followed by a reminder dated 9.1.2016 (Annexure P-7) and the reply dated 19.1.2016 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of one month from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

February 3, 2016
gbs

(RAJ RAHUL GARG)
JUDGE